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### **REMARKS**

The final Office Action dated 31 December 2003 has been reviewed. Claims 1, 3, 7, 13 and 15 have been previously presented, and claims 2, 4-6, 8-12, 14 and 16 remain as originally presented. Thus, claims 1-16 are respectfully submitted for reconsideration by the Examiner.

The Examiner's identification that claims 7-16 are allowed is greatly appreciated and acceptable to Applicant. However, Applicant would be remiss not to address the newly presented the objections and rejections of claims 1-6, as set forth in the final Office Action.

The Examiner's assistance in presenting the proposed drawing corrections filed 15 October 2003 is greatly appreciated. In accordance with the Examiner's requirement, formal drawings incorporating the approved drawing corrections will be filed upon allowance.

Claims 1 and 3 stand objected to because of alleged informalities. This objection is respectfully traversed in view of the following comments. It is respectfully submitted that rather than being contradictory, claim 3 recites a combination of features that appropriately further limits the combination of features recited in claim 1. Specifically, claim 1 recites a combination of features including "interconnected by a stitch" and claim 3 recites a combination of features including "secured by a plurality of stitches." Claim 1 recites a feature ("a stitch") that does not preclude the possibility of several examples of the feature, whereas claim 3 recites that more than one example of the feature ("plurality of stitches") is required. Thus, it is respectfully submitted that claim 1 embraces the possibility of claim 3, and that claim 3 recites a subset of possibilities embraced by claim 1. As such, it is respectfully submitted that claim 3 appropriately depends from claim 1, and that the objection should be withdrawn.

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,554,076 to Clark. These rejections are respectfully traversed in view of the following comments.

Independent claim 1 is directed to a "thumb guard" that, *inter alia*, includes a "thumb-receiving passageway," is "placed on a thumb by passing the thumb into said passageway," and protects "the metacarpophalangeal joint of the thumb." Thus, independent claim 1 recites an invention that is related to a thumb. Support for these features may be found throughout Applicant's specification as originally filed.

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In contrast, Clark shows a sleeve for a bowler's finger, i.e., a digit other than the thumb *per se*. Clark shows that a finger sleeve 10 is used on either the index finger (Figures 8 and 9) or the little finger (Figure 9). *See also* Clark's brief description of Figures 8 and 9. Further, Clark states that "[t]he bowler's finger sleeve 10 maintains a proper position of the digits, or fingers 12 on the curved surface of the bowling ball 16" (column 4, lines 32-56). It is respectfully submitted that Clark neither teaches nor suggests using finger sleeve 10 on a thumb, and that to do so would be inconsistent with the intended function of Clark's finger sleeve 10.

And as pointed in out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn for at least the above reasons. Moreover, claims 2-6 depend from claim 1 and recite that same combination of allowable features as well as additional features that further distinguish the present invention over Clark.

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### CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this Application and the prompt allowance of all pending claims 1-16.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

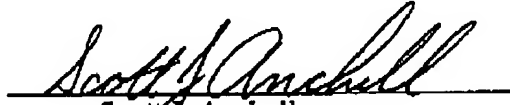
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: 31 March 2004

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